

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

James E. McNeil,	)	C.A. No. 0:07-0708-TLW-BM
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Archie Rouse, Jr.;	)	
City of Darlington, S.C.;	)	
County of Darlington, S.C.; and	)	
State of South Carolina,	)	
	)	
Defendants.	)	
	)	

The Plaintiff brought this *pro se* civil action against the Defendants, seeking release from prison, monetary damages, and certain other remedies under 42 U.S.C. § 1983, based on his arrest and subsequent pre-trial confinement in the Darlington County Detention Center. Plaintiff is facing a pending criminal charge of armed robbery.

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed March 3, 2007 by United States Magistrate Judge Bristow Marchant, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Marchant recommends that the Plaintiff’s complaint be dismissed without prejudice and without issuance and service of process for failure to state a claim upon which relief may be granted. On March 20, 2007, Plaintiff filed a letter generally objecting to the Report, but not specifying any particular sections of the Report or any particular objections. (Doc. # 15).

This Court is charged with reviewing the Magistrate's report and the Plaintiff's objections thereto. In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of this standard, the Court has carefully reviewed, de novo, the Report and the objections thereto and has concluded that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 13); Plaintiff's objections are **OVERRULED** (Doc. # 15); and Plaintiff's complaint is dismissed without prejudice for failure to state a claim upon which relief may be granted.

**IT IS SO ORDERED.**

S/ Terry L. Wooten  
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**TERRY L. WOOTEN**  
**UNITED STATES DISTRICT JUDGE**

October 9, 2007  
Florence, South Carolina